

REMARKS

Claim Rejections - 35 USC § 112

Claims 1 through 13 are rejected under 35 USC § 112, second paragraph, as being indefinite. Applicant has amended independent claims 1 and 7 to remove references to "top and bottom spline radius". Amended Claims 1 and 7 now clearly define the invention subject matter with regards to a "spline engagement edge radius." The invention(s) claimed are now believed to be described by limitations clearly defined by the language of amended claims 1 and 7 and fully supported by the specification and drawings presently before the examiner, and amended claims 1 and 7 are now believed to be definite and allowable under 35 USC § 112, second paragraph.

Claims 2 through 6 and 14 through 16 are directly or indirectly dependent upon amended claim 1: thus they include all of the limitations of amended claim 1 and are now believed to be similarly allowable under 35 USC § 112, second paragraph. Claims 8 through 13 and 17 through 19 are directly or indirectly dependent upon amended claim 7: thus they include all of the limitations of amended claim 7 and are now believed to be similarly allowable under 35 USC § 112, second paragraph.

Claim Rejections - 35 USC § 102

Claim 1, 3-7, and 9-13 are rejected under 35 USC § 102(b) his being anticipated by Hollinger (US Pat. No. 3316952). Prior art is anticipatory only if every element of the claimed invention is disclosed in a single item of prior art in the form literally defined in the claim. Jamesbury Corp. v. Litton Indus. Products, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); Atlas Powder Co. v. du Pont, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); American Hospital Supply v. Travenol Labs, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984).

Applicant's amended claim 1 and amended claim 7 clearly and distinctively claim a lock nut threaded body length dimension about equal to the thread diameter. The structural importance of this limitation and advantage over prior art lock nuts is clearly supported by the specification at page 7 lines 10 through 29. Although the examiner asserts that Hollinger discloses this limitation, Hollinger offers no teaching on this affirmatively claimed limitation. A

rejection for anticipation under 35 USC § 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference. See *In re Paulsen*, 30 F. 3rd 1475, 1478 (Fed Cir. 1994). Thus since Hollinger does not teaching all of the limitations of amended claim 1 and amended claim 7, the claims are believed allowable over Hollinger under 35 USC § 102.

Additionally, applicant's amended claim 1 and amended claim 7 clearly and distinctively claim an aperture forged at the nut body top end about the central axis and having a first volume dimension, the aperture defined by a plurality of forged splines disposed in a circular array about the central axis and an actuating wall. The structural importance of this forging limitation, and advantage over prior art lock nuts that are not forged, are clearly supported by the specification at page 13 line 16 through page 15 line 8. Although the examiner asserts that Hollinger discloses this limitation, Hollinger offers no teaching on this affirmatively claimed limitation. Since a rejection for anticipation under 35 USC § 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference (*In re Paulsen*), and Hollinger does not teach all of the limitations of amended claim 1 and amended claim 7, the claims are believed allowable over Hollinger under 35 USC § 102 for this additional reason.

Claims 2 through 6 and 14 through 16 are directly or indirectly dependent upon amended claim 1: thus they include all of the limitations of amended claim 1 and are now believed to be similarly allowable under 35 USC § 112, second paragraph. Claims 8 through 13 and 17 through 19 are directly or indirectly dependent upon amended claim 7: thus they include all of the limitations of amended claim 7 and are now believed to be similarly allowable under 35 USC § 112, second paragraph.

Claim Rejections - 35 USC § 103

Claims 2 and 8 are rejected under 35 USC § 103(a) his being unpatentable over Hollinger has applied to claims 1 and 7, and further in view of Heighberger (US Pat. No. 3938571), wherein Heighberger is "relied upon for the material of the deformable member."

Neither Hollinger nor Hollinger in view Heighberger is shown by the examiner to teach the limitations claimed with specificity by amended claims 1 and 7 as discussed above: (1) a lock nut


threaded body length dimension about equal to the thread diameter; and/or (2) an aperture forged at the nut body top end about the central axis and having a first volume dimension, the aperture defined by a plurality of forged splines disposed in a circular array about the central axis and an actuating wall. Thus, for the reason established above, amended claims 1 and 7 are believed to be allowable under 35 USC § 103(a) over Hollinger and further in view of Heighberger.

Claim 2 is directly dependent upon amended claim 1, and claim 8 is directly dependent upon amended claim 7: thus they include all of the limitations of amended claims 1 and 7 and are believed to allowable under 35 USC § 103(a) over Hollinger and further in view of Heighberger.

In conclusion, all of the claims presently before the examiner are now believed to be in condition for allowance, and early notification thereof is respectfully requested.

Respectfully submitted,

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